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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE  
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10                   UNITED STATES OF AMERICA,

11                   Plaintiff,

12                   v.

13                   ROMAN LAZARCHUK and  
14                   ROMAN MYKHAYLENKO,

15                   Defendants.

Case No. CR17-300RSL

ORDER GRANTING  
STIPULATED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS  
DATES

This matter comes before the Court on the parties' stipulated motion to continue. Dkt. # 30. Having considered the facts set forth in the stipulated motion, the defendants' knowing and voluntary waivers, and the remainder of the record, the Court finds as follows:

1.         The Court adopts the stipulated facts set forth in the motion. Specifically, the Court recently approved appointment of new counsel for Mr. Lazarchuk, and his new counsel requires additional time to review extensive discovery, including materials not in English. The Court accordingly finds that a failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2.         The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

ORDER GRANTING STIPULATED  
MOTION TO CONTINUE - 1

1       3. The Court finds that the additional time requested is a reasonable period of delay,  
2 as counsel for Mr. Lazarchuk requires additional time to review discovery, investigate the case,  
3 and prepare potential defenses; and that the additional time requested between the current trial  
4 date of February 5, 2018, and the proposed trial date of April 30, 2018, is necessary to provide  
5 defense counsel reasonable time to prepare for trial considering all of the facts set forth above.

6       4. The Court further finds that such a continuance would serve the ends of justice,  
7 and that these factors outweigh the best interests of the public and the defendant in a more  
8 speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

9       5. Defendant Roman Lazarchuk has signed a waiver indicating that he has been  
10 advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly  
11 and voluntarily waived that right and consented to the continuation of his trial to a date up to and  
12 including April 30, 2018, Dkt. # 31.

13       6. Defendant Roman Mykhaylenko has signed a waiver indicating that he has been  
14 advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly  
15 and voluntarily waived that right and consented to the continuation of his trial to a date up to and  
16 including April 30, 2018, Dkt. # 32.

17       IT IS HEREBY ORDERED that the trial date be continued from February 5, 2018, to  
18 April 30, 2018.

19       IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to March  
20 30, 2018.

21       IT IS FURTHER ORDERED that the period of time from the current trial date of  
22 February 5, 2018, up to and including April 30, 2018, shall be excludable time pursuant to the  
23 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to the filing and  
24 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§  
25 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

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1 DATED this 1st day of February, 2018.  
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Robert S. Lasnik

Robert S. Lasnik  
United States District Judge